IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 45 OF 2007

Vinod K.Goenka & Anr... ..... Applicants.
Versus
Abbott India Ltd... .... Respondent.

Mr.M.A. Mhambrey for the Applicants.
Mr.Virag Tulzapur with Mr.Kunal Sajaui i/by
M/s.Wadia Ghandy & Co., for the Respondent.

CORAM : SWATANTER KUMAR, C.J.

DATED : 22ND JUNE, 2007.

P.C.:

Learned Counsel for the respondent submits that the present arbitration application is not maintainable though there is an arbitration clause in the agreement between the parties, since this is a matter between the Lessee and Lessor. Hence, the matter can be raised only before the Competent Authority.

2. In view of the above statement made, learned Counsel appearing for the applicants, while accepting the objection, submits that the respondent should not be permitted to raise objection before the Competent Authority about the arbitration clause and the applicants be permitted to take steps before the Competent Authority.

3. In view of the above, this application is dismissed. The applicants are permitted to take steps before the Competent Authority and if such steps are taken, the respondent shall abide by their statement.

Sd/-

CHIEF JUSTICE